

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MAY 6, 1998
7:00 P.M.**

1. ROLL CALL

Present: Council Members - Johnson, Land, Mann, Pennino and Sieglock (Mayor)

Absent: Council Members - None

Also Present: City Manager Flynn, Deputy City Manager Keeter, Public Works Director Prima, Community Development Director Bartlam, Parks and Recreation Director Williamson, City Attorney Hays and City Clerk Reimche

2. INVOCATION

The invocation was given by Pastor Jim Harvey, Lodi Community Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Sieglock.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Sieglock presented a proclamation to Boyd Lambertson, Post Master, and Amanda Solway with the Lodi Post Office proclaiming May 9, 1998 as "National Letter Carrier Food Drive Day" in the City of Lodi.
- b) Mayor Sieglock presented a proclamation to Jamie Rodriguez, President of the San Joaquin Family Chapter of National Defense Transportation Association, proclaiming May 15, 1998 as "National Transportation Week" in the City of Lodi.
- c) Mayor Sieglock presented a proclamation to Captain Alfred Parker with the Lodi Salvation Army proclaiming May 10 - 16, 1998 as "Salvation Army Week" in the City of Lodi.
- d) Mayor Sieglock presented a proclamation to Public Works Director Prima proclaiming the week of May 17 - 23, 1998 as "National Public Works Week" in the City of Lodi.
- e) Mayor Sieglock presented a Certificate of Recognition to Ruby Paiste, Cory Wadlow and Jamie Moso with the Lodi Finance Department in recognition of the Outstanding Financial Report Award for Fiscal Year 1996-97 it received from the California Society of Municipal Finance Officers.
- f) Mayor Sieglock presented a Certificate of Recognition to Shawna McCabe, President of Creative Design. Ms. McCabe, who has been preparing the City of Lodi Newsletter, will be moving to Sunnyvale.
- g) Recreation Supervisor Layne Van Noy explained the Take A Family Break program, which is designed to encourage families to get together, have fun, and develop family unity through recreational activities. Mayor Sieglock presented a Certificate of Appreciation to this year's Parks and Recreation Family of the Year, the Hutchins Family, Daryl, Tania and their three children.

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- h) Mayor Sieglock introduced and recognized Paula Soto and her daughter Elena Aguinaga who have been selected to attend the World Council of Churches in Zimbabwe, Africa. The conference will focus on encouraging human rights and equality for women throughout the world.
- i) Assistant Water/Wastewater Superintendent Frank Beeler and Water Conservation Coordinator Orson Laam made a presentation to the City Council regarding Water Awareness Month in California.

5. URGENCY ITEM ADDED TO THE AGENDA

Following introduction of the matter by City Attorney Hays, the City Council on motion of Council Member Pennino, Johnson second, unanimously added the following Closed Session as an urgency item pursuant to Government Code §54954.2(b) (2):

- a) Pursuant to California Government Code §54956.8, conference with real property negotiator regarding lease of City-owned property (275± acres adjacent to White Slough Water Pollution Control Facility); the negotiating parties are the California Youth Soccer Association and the City of Lodi. Price and terms of the lease are under negotiation.

This item was placed at the end of the agenda.

6. COMMENTS BY THE PUBLIC ON CONSENT CALENDAR ITEMS

- a) Andy Christensen, representing Woodbridge Irrigation District (WID), addressed the City Council supporting the removal of agenda items #E-16 and #E-17. The Northern California Joint Pole Association has new rules governing the use of joint poles, thereby raising the price of the use of joint poles that are no longer competitive. When they applied for membership, the old rules were in place, but new members now have to meet the new rules. Mr. Christensen stated that this matter needs to be put on the back burner until it can be studied.

Mr. Christensen further stated that reliability is the primary concern of Sebastiani Winery. Without a reliable power supply they are limited. Some people believe that the Highway 12 60kV Transmission project and this project are connected. This is simply not true. During the project there was a lot of support from the agricultural community and from Sebastiani to get a more reliable power supply, and they will continue to work with them. Mr. Christensen extended thanks to the Lodi City Council and to Electric Utility Director Vallow and his staff for their support and for their assistance in putting this project together. Mr. Christensen concluded his remarks stating that at this time, they should step back and take a break on this, as the Northern California Joint Pole Association costs caused this project to be too expensive. The prudent thing to do is to share a joint pole, but they feel they were ruled uncompetitive because they chose to do the right thing.

7. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Pennino, Land second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

- a) Claims were approved in the amount of \$2,474,203.82.
- b) The minutes of April 15, 1998 (Regular Meeting) were approved as written.

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- c) Received the report of the sale of surplus vehicles in the amount of \$4,924.50.
- d) Approved the plans and specifications for Highway 12 - Kettleman Lane/Highway 99 Interchange Improvements and authorized advertising for bids.
- e) Accepted the improvements under the "Kofu Park Tennis Court Resurfacing, 1145 South Ham Lane, and Legion Park Tennis Court Resurfacing, 835 South Hutchins Street" contract and directed the City Engineer to file a Notice of Completion with the County Recorder's office.
- f) Accepted the improvements under the "Central City Revitalization Improvement Project, Downtown" contract and directed the City Engineer to file a Notice of Completion with the County Recorder's office.
- g) Approved the specifications for White Slough Water Pollution Control Facility replacement of the primary sedimentation basin effluent troughs and authorized advertising for bids.
- h) Accepted the improvements under the "Peterson Park Improvements, 199 Evergreen Drive" contract and directed the City Engineer to file a Notice of Completion with the County Recorder's office.
- i) Approved the plans and specifications for White Slough Water Pollution Control Facility Holding Pond No. 1 Embankment Rehabilitation and authorized advertising for bids.
- j) Authorized the City Manager and City Clerk to execute the Improvement Agreement for the Public Improvements of Thurman Street on behalf of the City and appropriated the necessary funds for fee credits and development incentives.
- k) Approved the policy regarding installation of marked pedestrian crosswalks.
- l) Authorized the Mayor to sign a letter of support for an additional fifth train service between Bakersfield and Sacramento. Council Member Pennino additionally urged the citizens to write letters of support to go forward with this planned service.
- m) Adopted Resolution No. 98-63 amending Section 8A of Traffic Resolution No. 97-148 by approving the travel restriction of commercial vehicles over two axles on Pacific Avenue north of Elm Street.
- n) Adopted Resolution No. 98-64 authorizing the use of \$26,667 in Transportation Development Act (TDA) funds to help defray the construction cost of the Compressed Natural Gas (CNG) Station in Lodi in exchange for a lower fuel cost. **(Due to a conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.)**
- o) Agenda item #E-15 entitled, "Purchase of wood utility poles" was pulled from the agenda pursuant to staff's request.
- p) Agenda item #E-16 entitled, "Agreement for the Provision of Electric Distribution Maintenance and Operation Services for Woodbridge Irrigation District (WID)" was pulled from the agenda pursuant to staff's request.
- q) Agenda item #E-17 entitled, "Interconnection and Transmission Service Agreement between City of Lodi and Woodbridge Irrigation District (WID)" was pulled from the agenda pursuant to staff's request.

- r) Adopted Resolution No. 98-65 authorizing the City Manager to sign the contract with R.W. Beck to perform an engineering valuation study of the Lodi electric distribution/transmission system. **(Due to a conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.)**
 - s) Approved the specifications for a wood pole testing contract and authorized advertising for bids.
 - t) Adopted Resolution No. 98-66 approving the reallocation of \$49,000 of Federal Community Development Block Grant funds for various Parks and Recreation Department projects.
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8. PUBLIC HEARINGS

- a) Notice thereof having been published, an affidavit of which publication is on file in the office of the City Clerk, Mayor Sieglock called for the Public Hearing to consider approval of pre-award expenditure of Community Development Block Grant funds.

Community Development Director Bartlam informed the City Council that each year the City of Lodi receives its Community Development Block Grant allocation after July 1, 1998. For the coming program year, the City Council has approved the allocation of \$150,000 for the acquisition and improvement of properties located at 11, 15 and 17 West Elm Street for a surface parking lot. In an effort to move this project forward in a timely manner, staff is desirous of completing the acquisition prior to July 1, 1998. Pursuant to Federal regulations, the City may utilize another funding source in anticipation of a repayment by the Block Grant providing a public hearing has been conducted, the City Council approves of the "Pre-Award" Expenditure and the activity is part of the eligible program.

Staff has had an on-going dialogue with the owners of the aforementioned properties. In order to take advantage of the acceptance of the owners to sell the property to the City, we would like to purchase now rather than wait the several months until the funds are received from the Department of Housing and Development (HUD). A side bonus to moving this project forward may be the timing benefit for construction prior to the rainy season this fall.

Reimbursement to the General Fund Capital Outlay will occur once the funds are received subsequent to July 1, 1998.

Hearing Opened to the Public

There was no one wishing to speak on this matter.

Public Portion of Hearing Closed

ACTION:

The City Council, on motion of Council Member Pennino, Land second, unanimously approved the expenditure of General Fund Capital Outlay dollars for the acquisition and development of property located at 11 - 17 West Elm Street with repayment from the Community Development Block Grant subsequent to the award of funds in July 1998.

9. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City's Risk Manager and/or the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Mayor Pro Tempore Land, Johnson second, unanimously rejected the following claims:
 - 1. Cathy Casey, date of loss 2/12/98
 - 2. Cindy Miner, date of loss 3/27/98
 - 3. Wanda Wohl, date of loss 3/27/98
- b) City Clerk Reimche read the following ABC Licenses:
 - 1. Lufty Enterprises, Inc. to Francesco S. Lima, Garry's Lounge, 13 South School Street, Lodi, On-Sale General, Person to Person Transfer
- c) The following report was presented to the City Council:
 - 1. Planning Commission report of April 8, 1998
- d) The City Council, on motion of Mayor Sieglock, Land second, unanimously directed the City Clerk to post for the vacancy on the San Joaquin County Emergency Food and Shelter Board. Further, the City Council directed the City Clerk to send a letter regarding this appointment to the Salvation Army and to the local churches.

10. REGULAR CALENDAR

- a) Agenda item #H-1 entitled, "Introduce amendment to Lodi Municipal Code Chapter 12.12 - Park Section 12.12.045 relating to the prohibition of glass bottles or similar containers, alcoholic beverages and/or tobacco products in certain posted parks or facilities".

City Attorney Hays provided the following report to the City Council:

At its meeting of November 4, 1997, the Parks and Recreation Commission was presented with a proposal which would result in the prohibition of alcoholic beverages and tobacco products in certain posted parks or facilities. Subsequent to that meeting, a recommendation to implement such a prohibition was presented to the City Council on December 17, 1997. At that meeting the Council considered the recommendation of the Parks and Recreation Commission and authorized staff to proceed with developing an ordinance, which would implement the Parks and Recreation Commission proposal.

This office has been working with the Parks and Recreation Director to chart a course which would allow the Parks and Recreation Director to implement the program recommended by the Parks and Recreation Commission and approved by the City Council. This ordinance, if adopted subsequent to its introduction, would provide the Parks and Recreation Director with the authority to implement the policy as recommended by the Parks and Recreation Commission and approved by the City Council.

Following discussion, the City Council, on motion of Mayor Pro Tempore Land, Johnson second, unanimously introduced Ordinance No. 1660 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 12.12, Section 12.12.045 Relating to the Prohibition of Glass Bottles or Similar Containers, Alcoholic Beverages and/or Tobacco Products in Certain Posted Parks or Facilities".

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11. ORDINANCES

None.

12. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

There was no one wishing to speak on this matter.

13. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) Mayor Pro Tempore Land announced that the Friends of Tokay High will have its first fund-raiser this Friday night May 8, 1998, at the Stockton Ball Room. Tickets are \$30.00 and the proceeds will go for support of certain Tokay High School programs. Further, Mr. Land congratulated Hutchins Street Square on its Grand Opening of the Performing Arts Theater and Conference Center. It took 18 years to do it, and it was awesome!
- b) Council Member Johnson congratulated Community Development Director Bartlam and Community Improvement Manager Wood who quickly took care of cleaning up a very unsightly area in town. Mr. Johnson encouraged the citizens of Lodi to call them if they experience this same type of problem in their neighborhoods.
- c) City Manager Flynn announced that, in conjunction with the City-Wide Community Pride Clean Up event, the City-wide yard sale will be on May 16 and 17. Also, during that week, in conjunction with normal trash day, California Waste will pick up any household items to be discarded.

Further, Mr. Flynn informed the City Council and the public that the City of Lodi has been awarded the 1998 COGnize Award from the San Joaquin County Council of Governments (COG) in the category for notable achievement in regional planning and/or transportation for Lodi's Downtown Revitalization project. The award is scheduled to be presented at the Cities & County of San Joaquin Association dinner meeting on June 4, 1998.

14. CLOSED SESSION

Mayor Sieglock adjourned the City Council meeting to a Closed Session to discuss the following matter:

- a) Pursuant to California Government Code §54956.8, conference with real property negotiator regarding lease of City-owned property (275± acres adjacent to White Slough Water Pollution Control Facility); the negotiating parties are the California Youth Soccer Association and the City of Lodi. Price and terms of the lease are under negotiation.

15. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

The City Council meeting reconvened at approximately 9:20 p.m. and Mayor Sieglock disclosed the following action:

No final action was taken in this matter.

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16. ADJOURNMENT

There being no further business to come before the City Council, Mayor Sieglock adjourned the meeting at approximately 9:20 p.m.

ATTEST:

Alice M. Reimche
City Clerk